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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,000	05/23/2001	Yuko Aki	0828.65568	1870

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EXAMINER	
JACOBS, LASHONDA T	
ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 09/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/864,000	AKI ET AL.	
	Examiner	Art Unit	
	LaShonda T. Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 June 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicants' Amendment and Request for Reconsideration filed on June 27, 2005. Claims 5-6, 9-10 and 11-12 have been amended and are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **2-19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mohaban et al (hereinafter, "Mohaban", 6,718,380) in view of Wiegel (U.S. Pat. No. 6,484,261).

As per claims **5** and **9**, Mohaban discloses a computer-readable medium storing a program for monitoring activities on a network, the program causing a computer system to function as:

- monitoring policy setting means for setting a monitoring policy (col. 10, lines 45-67, col. 11, lines 1-13 and col. 12, lines 15-29);
- monitoring means for monitoring the network according to the policy set in said monitoring policy setting means (col. 10, lines 45-67, col. 12, lines 15-29 and lines 56-67); and

- monitoring policy changing means for changing current policy being set in said monitoring policy setting means, according to a monitoring result reported by said monitoring means (col. 12, lines 12-29, lines 49-67 and col. 13, lines 14-23).

However, Mohaban does not explicitly disclose:

- wherein the monitoring policy changing means increase the frequency of monitoring and adds a new object and/or item to the coverage of the monitoring, when degradation in service level of the network is observed.

Wiegel discloses a graphical network security policy management including:

- wherein the monitoring policy changing means increase the frequency (time interval or polling interval) of monitoring and adds a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed (col. 23, lines 11-21 and col. 24, lines 26-43, Wiegel discloses changing the time interval to monitor devices and add a new symbol (object) for the device. Therefore, Wiegel discloses wherein the monitoring policy changing means increase the frequency of monitoring and adds a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed).

Given the teaching of Wiegel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mohaban by increasing or decreasing the time interval to monitor an object on the network in order to create and manage network policies in a timely and efficient manner.

As per claim **2**, Mohaban discloses:

- wherein the monitoring policy includes a parameter that specifies how frequently the monitoring will be conducted (col. 10, lines 45-67, col. 12, lines 56-67 and col. 16, lines 56-65).

As per claim **3**, Mohaban discloses:

- wherein the monitoring policy includes a parameter that specifies which object to monitor (col. 10, lines 45-67, col. 12, lines 56-67, col. 16, lines 56-65 and col. 22, lines 50-57).

As per claim **4**, Mohaban discloses:

- wherein the monitoring policy includes a parameter that specifies which item to monitor (col. 10, lines 45-67, col. 12, lines 56-67, col. 16, lines 56-65 and col. 22, lines 50-57).

As per claims **6** and **11**, Mohaban discloses a computer-readable medium storing a program for monitoring activities on a network, the program causing a computer system to function as:

- monitoring policy setting means for setting a monitoring policy (col. 10, lines 45-67, col. 11, lines 1-13 and col. 12, lines 15-29);
- monitoring means for monitoring the network according to the policy set in said monitoring policy setting means (col. 10, lines 45-67, col. 12, lines 15-29 and lines 56-67); and
- monitoring policy changing means for changing current policy being set in said monitoring policy setting means, according to a monitoring result reported by said monitoring means (col. 12, lines 12-29, lines 49-67 and col. 13, lines 14-23),

However, Mohaban does not explicitly disclose:

- wherein the monitoring policy changing means decreases the frequency of the monitoring and withdraws an existing object and/or items from the coverage of the monitoring, when improvement in service level of the network is observed.

Wiegel discloses a graphical network security policy management including:

- wherein the monitoring policy changing means decreases the frequency (time interval or polling interval) of the monitoring and withdraws an existing object and/or items from the coverage of the monitoring, when improvement in service level of the network is observed (col. 23, lines 11-21 and col. 24, lines 26-43, Wiegel discloses changing the time interval to monitor devices and add a new symbol (object) for the device. Therefore, Wiegel discloses wherein the monitoring policy changing means increase the frequency of monitoring and adds a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed).

Given the teaching of Wiegel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mohaban by increasing or decreasing the time interval to monitor an object on the network in order to create and manage network policies in a timely and efficient manner.

As per claim **7**, Mohaban further discloses:

- storing a program which causes the computer system to function as resource setup changing means for changing a setup of a predetermined set of resources on the network according to the monitoring result reported by said monitoring means (col. 12, lines 12-29, lines 49-67 and col. 13, lines 14-23

As per claim **8**, Mohaban further discloses:

- storing a program which causes the computer system to function as event detecting means for detecting the occurrence of a particular event in a predetermined resource on the network, wherein said monitoring policy changing means changes the current monitoring policy in response to the particular event detected by said event detecting means (col. 12, lines 12-29, lines 49-67, col. 13, lines 14-23 and col. 22, lines 50-57).

As per claim **10**, Mohaban discloses a method of monitoring activities on a network, comprising the steps of:

(a) setting a monitoring policy (col. 10, lines 45-67, col. 11, lines 1-13 and col. 12, lines 15-29);

(b) monitoring the network according to the policy set at said step (a) of setting (col. 10, lines 45-67, col. 12, lines 15-29 and lines 56-67); and

(c) changing the current monitoring policy that is originally at said step (a) of setting, according to a monitoring result obtained at said step (b) of monitoring (col. 12, lines 12-29, lines 49-67 and col. 13, lines 14-23),

However, Mohaban does not explicitly disclose:

(d) increasing the frequency of the monitoring and adding a new object and/or item to the coverage of the monitoring, when degradation in the service level of the network is observed.

Wiegel discloses a graphical network security policy management including:

(d) increasing the frequency (time interval or polling interval) of the monitoring and adding a new object and/or item to the coverage of the monitoring, when degradation in the service level of the network is observed (col. 23, lines 11-21 and col. 24, lines 26-43,

Wiegel discloses changing the time interval to monitor devices and add a new symbol (object) for the device. Therefore, Wiegel discloses wherein the monitoring policy changing means increase the frequency of monitoring and adds a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed).

Given the teaching of Wiegel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mohaban by increasing or decreasing the time interval to monitor an object on the network in order to create and manage network policies in a timely and efficient manner.

As per claim **12**, Mohaban discloses a method of monitoring activities on a network, comprising the steps of:

(a) setting a monitoring policy (col. 10, lines 45-67, col. 11, lines 1-13 and col. 12, lines 15-29);

(b) monitoring the network according to the policy set at said step (a) of setting (col. 10, lines 45-67, col. 12, lines 15-29 and lines 56-67); and

(c) changing the current monitoring policy that is originally at said step (a) of setting, according to a monitoring result obtained at said step (b) of monitoring (col. 12, lines 12-29, lines 49-67 and col. 13, lines 14-23),

(d) decreasing the frequency of the monitoring and withdrawing an existing object and/or item to the coverage of the monitoring, when improvement in the service level of the network is observed.

However, Mohaban does not explicitly disclose:

- (d) decreasing the frequency of the monitoring and withdrawing an existing object and/or item to the coverage of the monitoring, when improvement in the service level of the network is observed.

Wiegel discloses a graphical network security policy management including:

- (d) decreasing the frequency (time interval or polling interval) of the monitoring and withdrawing an existing object and/or item to the coverage of the monitoring, when improvement in the service level of the network is observed (col. 23, lines 11-21 and col. 24, lines 26-43, Wiegel discloses changing the time interval to monitor devices and add a new symbol (object) for the device. Therefore, Wiegel discloses wherein the monitoring policy changing means increase the frequency of monitoring and adds a new object or item to the coverage of the monitoring, when degradation in service level of the network is observed).

Given the teaching of Wiegel, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Mohaban by increasing or decreasing the time interval to monitor an object on the network in order to create and manage network policies in a timely and efficient manner.

Response to Arguments

3. Applicant's arguments with respect to claims 2-12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
September 9, 2005

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